

Mr. HUNTER. Mr. Chairman, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. MORAN of Virginia). The question is on the amendments en bloc offered by the gentleman from Missouri.

The amendments en bloc were agreed to.

AMENDMENT NO. 8 OFFERED BY MR. ANDREWS

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110-151.

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. ANDREWS:

At the appropriate place in title XV of the bill (relating to authorization of additional appropriations for Operation Iraqi Freedom and Operation Enduring Freedom), insert the following new section:

SEC. 15. LIMITATION ON AVAILABILITY OF FUNDS FOR PLANNING MAJOR CONTINGENCY OPERATIONS IN IRAN.

(a) LIMITATION.—No funds appropriated pursuant to an authorization of appropriations in this title may be obligated or expended to plan a major contingency operation in Iran.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the obligation or expenditure of funds appropriated pursuant to an authorization of appropriations in any title of this Act other than this title to plan a major contingency operation in Iran.

The Acting CHAIRMAN. Pursuant to House Resolution 403, the gentleman from New Jersey (Mr. ANDREWS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. ANDREWS. Mr. Chairman, I yield myself 3½ minutes.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I believe that it is in the interest of freedom-loving people around the world to deny the present regime in Tehran access to a nuclear weapon.

The amendment that I submit does not raise the issue of the propriety of Iran having a nuclear weapon. The amendment I submit raises the issue of the propriety of this coequal branch of our government asserting its proper constitutional authority.

My amendment contemplates, Mr. Chairman, the following circumstances, and I want to be very clear about this. If our troops in Iraq become involved in a fight that requires them to in some way engage, in order to defend themselves, Iranian personnel in a given situation, they have the right and power and authority to do so.

Mr. Chairman, if our planners on the military side, as part of their normal planning exercises, as they do throughout the world and around the globe, find it necessary to game out and ana-

lyze the circumstances under which we would prepare for conflict with Iran, they have the authority to do so. Any American soldier or servicemember under any circumstances has the authority to defend himself or herself, and the President has the authority to act under emergency or self-defense circumstances. However, in those circumstances under which the President would wish to initiate a major contingency operation in Iran, this amendment says he may not use funds which we have authorized and appropriated to fight the wars in Iraq and Afghanistan.

The amendment asserts the proper constitutional authority of this coequal branch of government. The Constitution vests us, as the duly elected representatives of the people, with the authority and responsibility to decide when this country will initiate hostilities in order to serve our national interest absent an emergency or a self-defense situation. This amendment preserves that emergency authority of the President. It preserves the self-defense authority of the President. But it properly asserts the duly assigned constitutional role of this branch to decide the circumstances under which we should go forward with a major contingency operation.

Mr. Chairman, whether Members believe that we should be more aggressive or less aggressive with Iran, they should support this amendment. Whether Members believe that we should pursue more active diplomacy or a different kind of diplomacy, they should pursue and support this amendment. The question here is not the proper policy with respect to Iran. The question here is the proper allocation of constitutional authorities between and among the branches.

I would urge both Republican and Democratic Members to vote "yes" on this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I rise in support of this amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Missouri is recognized for 10 minutes.

There was no objection.

Mr. SKELTON. Mr. Chairman, if you are a young man or young woman in either Iraq or Afghanistan in American uniform, you would like to know that monies authorized and appropriated from this body for Iraq or Afghanistan will not be diverted to planning any operations elsewhere. That's what this is. This simply ensures that funds that Congress approved for other purposes are not diverted to planning operations against Iran. It's that simple.

It increases the ability of Congress to provide oversight for planning of military operations, and it would not restrict the Department of Defense from planning any necessary contingencies regarding Iran using the base defense budget.

This is a good amendment, and I compliment the gentleman from New Jersey (Mr. ANDREWS) for offering it.

Mr. HUNTER. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The Chair allocated the time, because there was no objection, to the gentleman from Missouri. If there is unanimous consent, perhaps the gentleman from Missouri could allocate 5 minutes to the gentleman from California.

Mr. SKELTON. I certainly do.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. HUNTER. Mr. Chairman, I have enormous respect for my great friend from New Jersey, who has shared and fought on common ground with this Member for many years on items of interest and national defense that we shared support of.

In this case, I must oppose this amendment strongly for this reason. The nation that he's talking about, Iran, borders obviously one of our important warfighting theaters, that is, Iraq. We have seen evidence, it has been reported by our warfighting commanders that Iran has participated in moving instruments of death; that is, extremely effective IEDs that have been used against American troops and will prospectively be used against American troops, into Iraq from Iran.

The idea that we are saying that in this piece of the budget we cannot plan for interdiction of those items, of those weapons that are moving across the border, that we can't plan, for example, for Special Forces operations that we might need to implement or to move into action, to preempt this movement of deadly devices across the border, that we can't plan to extract hostages if they should be taken by Iranian militia or Iranian members of the armed forces is just not practical and it's not reasonable.

You have an Iranian military and intelligence body which has decided to become involved in the war in Iraq. They have moved across the border, and they have moved effective weapons across the border that are being used against American troops. I think it is not wise for us to advertise to our adversaries and to the world that we are establishing a policy that we will not even use money to contemplate or to plan for a reaction against us. I think we have to let them know that we have license, as Americans, to take any actions that might be necessary to protect American troops.

I would object very strongly to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

I reciprocate the respect expressed by my friend, the ranking member from California, and respectfully disagree with his interpretation of the amendment.

In a situation where we would want to interdict IEDs, there are two ways